

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| UNITED STATES OF AMERICA |) | CASE NO.: 4:05CR413-01 |
| |) | |
| Plaintiff |) | JUDGE SOLOMON OLIVER, JR. |
| |) | |
| vs. |) | |
| |) | <u>ORDER ACCEPTING PLEA</u> |
| |) | <u>AGREEMENT, JUDGMENT, AND</u> |
| FRANCISCO A. OROZCO, JR. |) | <u>REFERRAL TO U.S. PROBATION</u> |
| Defendant |) | <u>OFFICE</u> |

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge **Kenneth S. McHargh** regarding the change of plea hearing and plea agreement of **Francisco A. Orozco, Jr.**, which was referred to the Magistrate Judge with the consent of the parties.

On **August 24, 2005**, the government filed a **two**-count indictment against **Francisco A. Orozco, Jr.**, for **Conspiracy to Distribute and to Possess with Intent to Distribute Marijuana** in violation of **Title 21 Section 846; Title 21 Section 841(a)(1) and (b)(1)(B) and 18:2**. On **September 7, 2005**, a hearing was held in which **Francisco A. Orozco, Jr.**, entered a plea of not guilty before Magistrate Judge **James S. Gallas**. On

December 12, 2005, Magistrate Judge Kenneth S. McHargh received Francisco A. Orozco, Jr.'s plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge McHargh filed his R&R on December 12, 2005.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Francisco A. Orozco, Jr., is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Francisco A. Orozco, Jr., is adjudged guilty of Counts 1 and 2 in violation of Title 21 Section 846 and 841 (a)(1) and (b)(1)(B) and 18:2. This matter is referred to the U.S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on March 8, 2006 at 10:00 a.m. in Courtroom 17A.

IT IS SO ORDERED.

/S/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

January 19, 2006